

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA :
v. : CRIMINAL INDICTMENT
WILLIAM C. CAMPBELL : NO. 1:04-CR-424-RWS
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Motion for a Judgment of Acquittal

The defendant, William C. Campbell, through his undersigned attorneys, respectfully moves this court for a Judgment of Acquittal pursuant to Federal Rule of Criminal Procedure 29(c).

On May 10, 2006, the jury returned a not guilty verdict on Count I of the indictment, which is the RICO charge brought against Mr. Campbell in the above-captioned matter. During the charge to the jury, the Court specifically instructed the jury that if it found Mr. Campbell not guilty of the RICO charge, the jury was not to complete the jury form with respect to the eleven predicate acts. Notwithstanding this instruction, the jury form completed by the jurors reflected that the jury found Mr. Campbell not guilty of ten of the charged predicate acts and guilty of predicate act number 10 relating to the solicitation of funds to retire campaign debt and personal use of campaign funds.

The defense moves for a judgment of acquittal on this predicate act as it was unduly vague and there is no evidence to support it. At most, the evidence at trial indicated that mistakes with respect to campaign funds were made. Furthermore, there was no testimony that Mr. Campbell had any involvement in the accounting of the campaign fund. Additionally, he relied on the advice of counsel with respect to the use of any campaign funds. As such, there is insufficient evidence upon which the jury could have concluded beyond a reasonable doubt that Mr. Campbell was guilty of this act.

Further, the jury's marking of guilty on the verdict form was contrary to the Court's instruction, since Mr. Campbell was found not guilty of the RICO charge. Therefore, a judgment of acquittal should also be granted so that the record accurately reflects the not guilty finding on the RICO count.

In addition, at the close of the government's case and again at the close of the evidence, the defense orally made a Rule 29 motion. Those arguments are renewed again by this motion and all arguments previously made by defense counsel are incorporated herein.

Respectfully submitted,

Dated: March 17, 2006

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